



Office of the Attorney General  
State of Texas

March 31, 1992

DAN MORALES

ATTORNEY GENERAL

Mr. Jeff Hankins  
Program Division, Legal Services 110-1C  
Texas Department of Insurance  
P. O. Box 149104  
Austin, Texas 78714-9104

OR92-106

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15130.

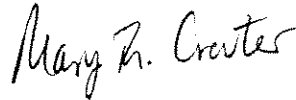
You have received a request for information relating to a Texas Department of Insurance (the "department") disciplinary action against an insurance agent. Specifically, the requestor seeks the "file related to the disciplinary action proceeding filed against David W. Callarman on or about August 3, 1991 . . . [including] the Notice of Intent to Institute Disciplinary Action, and any amendments, as well as the Commissioner's Final Order." Although you do not object to release of most of the requested information, you claim that some of the information is excepted from required public disclosure by sections 3(a)(1), 3(a)(7), and 3(a)(11) of the Open Records Act.

You claim that some of the requested information is protected by the attorney-client privilege. Although this office has frequently cited this section 3(a)(1) to except from disclosure information within the attorney-client privilege, the privilege is more specifically covered under section 3(a)(7). Open Records Decision No. 574 (1990) at 2. Open Records Decision No. 574 held that protection of section 3(a)(7) was limited to information that revealed client confidences to an attorney or that revealed the attorney's legal advice. Information that does not contain legal advice or opinion or reveal client confidences is not protected by section 3(a)(7). *Id.* Section 3(a)(11) protects advice, opinion, or recommendation intended for use in the entity's policy making or deliberative process, *id.* at 1-2, but does not protect facts and written observations of fact, Open Records Decision No. 582 (1990).

We have examined the documents submitted to us for review. Some of the information reveals client confidences to an attorney and an attorney's legal advice. Some of the information contains advice or opinion intended for use in the department's deliberative process. For your convenience, we have marked the information that may be withheld from required public disclosure under sections 3(a)(7) and 3(a)(11) of the Open Records Act. The remainder of the information must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-106.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/GK/nhb

Enclosures: Marked Documents

Ref. ID# 15130, ID# 15187

cc: Mr. Anthony Icenogle  
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